

Executive Summary – Enforcement Matter – Case No. 50608
WATER NECESSITIES, INC.
RN101220838
Docket No. 2015-0810-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Corbett Water System 1, located off of Highway 105 North on Princeton Street near Vidor, Orange County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 29, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$300

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$300

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$219

Applicable Penalty Policy: April 2014

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WATER NECESSITIES, INC.
RN101220838
Docket No. 2015-0810-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 13, 2015 through April 24, 2015 and August 3, 2015 through August 14, 2015

Date(s) of NOE(s): April 24, 2015

Violation Information

1. Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the notification to the ED regarding the failure to submit a DLQOR [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)].
2. Failed to meet the adequacy, availability, and/or content requirements for the Consumer Confidence Report ("CCR") [30 TEX. ADMIN. CODE §§ 290.271(b), 290.273, and 290.274(a) and (c)].
3. Failed to timely provide public notification and submit a copy of the notification to the ED regarding the failure to comply with the maximum contaminant level ("MCL") for arsenic [30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On June 2, 2015, provided public notification and submitted a copy of the notification to the ED regarding the failure to comply with the MCL for arsenic for the first and second quarters of 2011.
- b. On June 26, 2015, provided DLQORs to the ED for the second quarter of 2014 through the fourth quarter of 2014.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement procedures to ensure all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED;

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- ii. Provide public notification regarding the failure to submit DLQORs for the second quarter of 2014 through the fourth quarter of 2014, and provide a copy of each public notification to the ED;
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs; and
 - iv. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 or for the most current calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers.
- b. Within 45 days:
- i. Submit written certification to demonstrate compliance with a.; and
 - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
- c. Within 60 days, submit written certification to demonstrate compliance with b.ii.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Katy Montgomery, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4016; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483
TCEQ SEP Coordinator: N/A
Respondent: Kelly Brewer, Vice President and Operator, WATER NECESSITIES, INC., P.O. Box 62, Vidor, Texas 77670
Larry Brewer, President, WATER NECESSITIES, INC., P.O. Box 62, Vidor, Texas 77670
Respondent's Attorney: N/A



Policy Revision 4 (April 2014)

Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	17-Aug-2015	Screening	22-Sep-2015	EPA Due	30-Jun-2015
	PCW	23-Oct-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	WATER NECESSITIES, INC.		
Reg. Ent. Ref. No.	RN101220838		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	50608	No. of Violations	3
Docket No.	2015-0810-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Katy Montgomery
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$60

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 35.0% Enhancement **Subtotals 2, 3, & 7** \$21

Notes Enhancement for seven NOV's with same/similar violations.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0**Economic Benefit** 0.0% Enhancement* **Subtotal 6** \$0Total EB Amounts \$16
Estimated Cost of Compliance \$115

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$81**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$81**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$300**DEFERRAL** 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$300

Screening Date 22-Sep-2015

Docket No. 2015-0810-PWS-E

PCW

Respondent WATER NECESSITIES, INC.

Policy Revision 4 (April 2014)

Case ID No. 50608

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101220838

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for seven NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 22-Sep-2015

Docket No. 2015-0810-PWS-E

PCW

Respondent WATER NECESSITIES, INC.

Policy Revision 4 (April 2014)

Case ID No. 50608

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101220838

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)

Violation Description

Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the notification to the Executive Director regarding the failure to submit DLQORs for the second quarter of 2014 through the fourth quarter of 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix
Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 3

274 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$30

Three single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$30

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$41

This violation Final Assessed Penalty (adjusted for limits) \$150

Economic Benefit Worksheet

Respondent WATER NECESSITIES, INC.
Case ID No. 50608
Reg. Ent. Reference No. RN101220838
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	13-Apr-2015	30-Jun-2016	1.22	\$3	n/a	\$3
Training/Sampling	\$100	13-Apr-2015	30-Jun-2016	1.22	\$6	n/a	\$6
Training/Sampling	\$100	13-Apr-2015	30-Jun-2016	1.22	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$75	10-Oct-2014	30-Apr-2016	1.56	\$6	n/a	\$6
Other (as needed)	\$66	10-Jul-2014	26-Jun-2015	0.96	\$3	n/a	\$3

The other delayed costs include the estimated amount to ensure that all delinquent public notifications (\$25 per notification x three notifications) are provided to persons served by the Facility and a copy of the public notification is provided to the Executive Director, calculated from the due date of the earliest public notification to the estimated date of compliance.

The other training/sampling delayed costs include the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the date of the record review initially documenting a public notification violation to the estimated date of compliance.

Notes for DELAYED costs

The record keeping system and training/sampling delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, calculated from the date of the record review initially documenting a DLQOR violation to the estimated date of compliance.

The other delayed costs include the estimated amount to prepare and submit DLQORs (\$22 per report x three missed reports), calculated from the date the report was due for the second quarter of 2014 to the date the reports were submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$386

TOTAL

\$24

Screening Date 22-Sep-2015

Docket No. 2015-0810-PWS-E

PCW

Respondent WATER NECESSITIES, INC.

Policy Revision 4 (April 2014)

Case ID No. 50608

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101220838

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 290.271(b), 290.273, and 290.274(a) and (c)

Violation Description

Failed to meet the adequacy, availability, and/or content requirements for the Consumer Confidence Report ("CCR") for the year of 2013. Specifically, the CCR did not include the following: correct Source Water Assessment language, source name, disinfectant residual and the date of delivery was indicated to be prior to the CCR generation date.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$14

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent WATER NECESSITIES, INC.

Case ID No. 50608

Reg. Ent. Reference No. RN101220838

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$65	1-Jul-2014	31-Aug-2016	2.17	\$7	n/a	\$7

Notes for DELAYED costs

The delayed costs include the estimated amount to prepare and mail or directly deliver a complete and adequate CCR for the year 2013 to the customers of the Facility and to the TCEQ ((\$0.50 x 30 connections) + \$50 x one year), calculated from the date the CCR was due to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$65

TOTAL

\$7

Screening Date 22-Sep-2015

Docket No. 2015-0810-PWS-E

PCW

Respondent WATER NECESSITIES, INC.

Policy Revision 4 (April 2014)

Case ID No. 50608

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101220838

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.122(b)(3)(A) and (f)

Violation Description

Failed to timely provide public notification and submit a copy of the notification to the Executive Director regarding the failure to comply with the maximum contaminant level for arsenic for the first and second quarters of 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 2

30 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$20

Two single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$20

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$27

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent WATER NECESSITIES, INC.

Case ID No. 50608

Reg. Ent. Reference No. RN101220838

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	18-Nov-2011	2-Jun-2015	3.54	\$9	n/a	\$9

Notes for DELAYED costs

The other delayed costs include the estimated amount to ensure that all delinquent public notifications (\$25 per notification x two notifications) are provided to persons served by the Facility and a copy of the notification is provided to the Executive Director, calculated from the due date of the earliest public notification to the date proof of public notification was provided.

The other delayed costs are captured in the Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$9

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN602444515, RN101220838, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN602444515, WATER NECESSITIES, INC. **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101220838, CORBETT WATER SYSTEM 1 **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: OFF HIGHWAY 105 NORTH ON PRINCETON STREET NEAR VIDOR, ORANGE COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1810123

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: August 26, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 26, 2010 to August 26, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Katy Montgomery

Phone: (210) 403-4016

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	10/16/2014 (1246652)	CN602444515
	Self Report?	NO	Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.272
 30 TAC Chapter 290, SubChapter H 290.273
 30 TAC Chapter 290, SubChapter H 290.274(a)
 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: CCR 2013 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2013 CCR year.

- 2 Date: 10/23/2014 (1246652) CN602444515
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 2Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2014 within the required timeline.
- 3 Date: 01/14/2015 (1246652) CN602444515
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 3Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2014 within the required timeline.
- 4 Date: 02/05/2015 (1246652) CN602444515
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: DLQOR MR PN 2Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the second quarter of 2014.
- 5 Date: 04/08/2015 (1246652) CN602444515
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 4Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2014 within the required timeline.
- 6 Date: 04/30/2015 (1272764) CN602444515
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: DLQOR MR PN 3Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the third quarter of 2014.
- 7 Date: 08/03/2015 (1272764) CN602444515
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: DLQOR MR PN 4Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the fourth quarter of 2014.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 8/26/2010 and 8/26/2015

1	Date:	03/21/2011	(905439)	CN602444515	Classification:	Moderate				
	Self Report?	NO	For Informational Purposes Only							
	Citation:	30 TAC Chapter 290, SubChapter D 290.39(j)								
	Description:	Failure to notify the executive director of a significant change in treatment; change of treatment from chlorine gas to liquid bleach.								
2	Date:	12/14/2012	(1246652)	CN602444515	Classification:	Moderate				
	Self Report?	NO	For Informational Purposes Only							
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)								
		30 TAC Chapter 290, SubChapter F 290.122(f)								
	Description:	ARS MCL PN 2Q2011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Arsenic during the second quarter of 2011.								
		Classification: Moderate								
	Self Report?	NO	For Informational Purposes Only							
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)								
		30 TAC Chapter 290, SubChapter F 290.122(f)								
	Description:	ARS MCL PN 1Q2011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Arsenic during the first quarter of 2011.								
3*	Date:	07/02/2014	(1173503)	CN602444515	Classification:	Major				
	Self Report?	NO	For Informational Purposes Only							
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(b)(4)								
	Description:	Failure by the Corbett Water System to maintain the disinfection residual above 0.20 mg/L free chlorine throughout distribution.								
4	Date:	10/16/2014	(1246652)	CN602444515	Classification:	Moderate				
	Self Report?	NO	For Informational Purposes Only							
	Citation:	30 TAC Chapter 290, SubChapter H 290.272								
		30 TAC Chapter 290, SubChapter H 290.273								
		30 TAC Chapter 290, SubChapter H 290.274(a)								
		30 TAC Chapter 290, SubChapter H 290.274(c)								
	Description:	CCR 2013 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2013 CCR year.								
5	Date:	10/23/2014	(1246652)	CN602444515	Classification:	Moderate				
	Self Report?	NO	For Informational Purposes Only							
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)								
		30 TAC Chapter 290, SubChapter F 290.110(e)(5)								
		30 TAC Chapter 290, SubChapter F 290.110(f)(2)								
		30 TAC Chapter 290, SubChapter F 290.110(f)(3)								
	Description:	DLQOR MR 2Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2014 within the required timeline.								
6	Date:	01/14/2015	(1246652)	CN602444515	Classification:	Moderate				
	Self Report?	NO	For Informational Purposes Only							
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)								
		30 TAC Chapter 290, SubChapter F 290.110(e)(5)								
		30 TAC Chapter 290, SubChapter F 290.110(f)(2)								

Description: 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
DLQOR MR 3Q2014 - The system failed to monitor and/or report distribution
disinfectant residuals to the TCEQ for the third quarter of 2014 within the
required timeline.

7 Date: 02/05/2015 (1246652) CN602444515
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 2Q2014 Posting and Reporting Violation - Failure to submit a
signed certificate of delivery to the Executive Director certifying that public notice
was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period
that public notice was required for a disinfectant monitoring and reporting
violation during the second quarter of 2014.

8 Date: 04/08/2015 (1246652) CN602444515
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2014 - The system failed to monitor and/or report distribution
disinfectant residuals to the TCEQ for the fourth quarter of 2014 within the
required timeline.

9 Date: 04/30/2015 (1272764) CN602444515
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 3Q2014 Posting and Reporting Violation - Failure to submit a
signed certificate of delivery to the Executive Director certifying that public notice
was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period
that public notice was required for a disinfectant monitoring and reporting
violation during the third quarter of 2014.

10 Date: 08/03/2015 (1272764) CN602444515
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 4Q2014 Posting and Reporting Violation - Failure to submit a
signed certificate of delivery to the Executive Director certifying that public notice
was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period
that public notice was required for a disinfectant monitoring and reporting
violation during the fourth quarter of 2014.

* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

Appendix B

All Investigations Conducted During Component Period August 26, 2010 and August 26, 2015

Item 1	March 21, 2011**	(905439) For Informational Purposes Only
Item 2	April 04, 2012**	(994467) For Informational Purposes Only
Item 3	July 01, 2014**	(1173503) For Informational Purposes Only
Item 4	April 22, 2015	(1246652) For Informational Purposes Only (1246809)

Item 5 April 24, 2015 For Informational Purposes Only

(1272764)

Item 6 August 12, 2015 For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WATER NECESSITIES, INC.
RN101220838**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-0810-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding WATER NECESSITIES, INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located off of Highway 105 North on Princeton Street near Vidor, Orange County, Texas (the "Facility") that has

approximately 30 service connections and serves at least 25 people per day for at least 60 days per year.

2. During record reviews conducted from April 13, 2015 through April 24, 2015 and from August 3, 2015 through August 14, 2015, TCEQ staff documented that the Respondent did not timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter and did not provide public notification and submit a copy of the notification to the Executive Director regarding the failure to submit DLQORs for the second quarter of 2014 through the fourth quarter of 2014.
3. During a record review conducted from April 13, 2015 through April 24, 2015, TCEQ staff documented that the 2013 Consumer Confidence Report ("CCR") did not include the following: correct Source Water Assessment language, source name, disinfectant residual and the date of delivery was indicated to be prior to the CCR generation data.
4. During a record review conducted from April 13, 2015 through April 24, 2015, TCEQ staff documented that the Respondent did not timely provide public notification and submit a copy of the notification to the Executive Director regarding the failure to comply with the maximum contaminant level ("MCL") for arsenic for the first and second quarters of 2011.
5. The Respondent received notice of the violations on April 29, 2015.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On June 2, 2015, provided public notification and submitted a copy of the notification to the Executive Director regarding the failure to comply with the MCL for arsenic for the first and second quarters of 2011.
 - b. On June 26, 2015, provided DLQORs to the Executive Director for the second quarter of 2014 through the fourth quarter of 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the notification to the Executive Director regarding the failure to submit a DLQOR, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f).

3. As evidenced by Findings of Fact No. 3, the Respondent failed to meet the adequacy, availability, and/or content requirements for the CCR, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b), 290.273, and 290.274(a) and (c).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to timely provide public notification and submit a copy of the notification to the Executive Director regarding the failure to comply with the MCL for arsenic, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Three Hundred Dollars (\$300) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Three Hundred Dollar (\$300) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Three Hundred Dollars (\$300) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: WATER NECESSITIES, INC., Docket No. 2015-0810-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:

- i. Implement procedures to ensure all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - ii. Provide public notification regarding the failure to submit DLQORs for the second quarter of 2014 through the fourth quarter of 2014, and provide a copy of each public notification to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, as required by 30 TEX. ADMIN. CODE § 290.110; and
 - iv. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 or for the most current calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with by 30 TEX. ADMIN. CODE § 290.274.
- b. Within 45 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 2.c. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iv.; and
 - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:
- Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision No. 2.b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



4/19/16

For the Executive Director

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of WATER NECESSITIES, INC. I am authorized to agree to the attached Agreed Order on behalf of WATER NECESSITIES, INC., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, WATER NECESSITIES, INC. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date



11/16/15

Name (Printed or typed)

Title

Kelly Brewer

operator

Authorized Representative of
WATER NECESSITIES, INC.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.